



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/626,001

07/24/2003

Thomas Francis Spain

SPAINI

9923

37338

7590

12/01/2005

EXAMINER

LE, HUNG CHARLIE

THOMAS F. SPAIN

628 COUNTY ROUTE 401, P.O. BOX 72

WESTERLO, NY 12193

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 12/01/2005

Please find below and/or attached,an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,001	<b>Applicant(s)</b> SPAIN, THOMAS FRANCIS	
	<b>Examiner</b> Hung C. Le	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the bottom edge" in Page 13, Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the center" in Page 13, Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the shape" in Page 13, Line 1. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 11, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 12 recites the limitation "the bottom" in Page 14, Line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 12, the phrase "predetermined" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 14, the phrase "predetermined" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 17 recites the limitation "the identity" in Page 15, Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the lowest" in Page 15, Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the leftmost or rightmost opening" in Page 15, Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the same path" in Page 15, Line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 5, 7, 11 – 16, 20 - 23 are rejected under 35 U.S.C. 102(b) as being anticipated by M. Waranch (3,087,984).

With respect to Claim 1:

M. Waranch discloses: A guide tool (50) of solid composition (see Fig. 1) for organizing and identifying a plurality or pluralities of wires or cables (18), said guide tool (50) comprising:

- (a) an arch (See Fig 1) at the bottom edge of said guide tool (50);
- (b) a plurality of openings (17 & 19) arranged in a spaced apart curvilinear relationship (see Fig. 1); and

© a concavity (14) in said solid composition (see Fig. 1), wherein said arch, said openings (17 & 19), and said concavity (14) are spatially arranged on said solid composition (see Fig. 1) so that a plurality of wires or cables (18)

Art Unit: 3725

may be inserted through said openings (17 & 19) and a bundle of wires or cables (18) may simultaneously pass through said arch. (See Fig. 1)

With respect to Claim 2:

M. Waranch further discloses: Openings (17 & 19) are arranged on a curve with its center of curvature substantially in alignment with the center of said arch (See Fig. 1)

With respect to Claim 3:

M. Waranch further discloses: said guide tool (50) is substantially square in shape (See Fig. 1).

With respect to Claim 5:

M. Waranch further discloses: each said opening (17, 19) has a sufficient diameter such that a cable or wire (18) may pass therethrough (See Fig. 1).

With respect to Claim 7:

M. Waranch further discloses: said arch is the shape of a half-circle and is large enough to allow a bundle of wires or cables to pass through (See Fig. 1).

With respect to Claim 11:

M. Waranch further discloses: said solid composition is made of a strong, flexible material (See Fig. 1).

With respect to Claims 12:

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

With respect to Claim 13:

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

With respect to Claim 14:

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

With respect to Claim 15:

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

With respect to Claim 16:

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

With respect to Claim 20:



Art Unit: 3725

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

With respect to Claim 21:

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

With respect to Claim 22:

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

With respect to Claim 23:

With regards to the claimed process, the apparatus as claimed by M. Waranch (see Fig. 1) is capable of performing the process as claimed by applicant.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 8 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over M. Waranch (3,087,984).

With respect to Claim 4:

Waranch discloses the claimed invention except for the width and length of the guide tool being approximately 4 inches. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize any size of the guide tool, since such a modification would have allowed for a wiring fixture which is economical to manufacture. Furthermore, applicant's specification, Page 7, Paragraph 32, asserts no critically to the claimed limitations.

With respect to Claim 6:

Waranch discloses the claimed invention except for the diameter of the wire openings being .25 inches to .5 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize various diameter ranges for the wire openings, since such a modification would have allowed for a variety of wires to be used (see Waranch, Col. 3, line 61). Furthermore, applicant's states no criticality in specification to diameter range (Page 7, Paragraph 33).

With respect to Claim 8:

Waranch discloses the claimed invention except for the distance between the arch and the wire openings being .75 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize various distance ranges between the arch and the wire openings, since such a modification would have allowed for a variety of wire openings to be used. Furthermore, applicant's states no criticality in specification to the distance (Page 8, Paragraph 34).

### ***Allowable Subject Matter***

Claims 9, 10, 17, 18 & 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

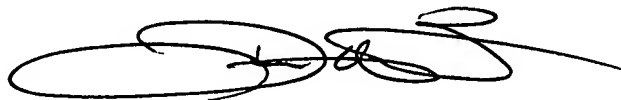
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung C. Le whose telephone number is 571-272-8757. The examiner can normally be reached on M-F: 08:00am - 05:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL  
11/21/05



DERRIS H. BANKS  
ADVISORY PATENT EXAMINER  
EBC CENTER 3700